

**Executive Summary – Enforcement Matter – Case No. 51106**

**City of Fort Worth**

**RN100942259**

**Docket No. 2015-1231-MWD-E**

**Order Type:**

Findings Agreed Order

**Findings Order Justification:**

People or environmental receptors have been exposed to pollutants which exceed levels that are protective.

**Media:**

MWD

**Small Business:**

No

**Location(s) Where Violation(s) Occurred:**

City of Fort Worth Village Creek WWTP, 4500 Wilma Lane, Fort Worth, Tarrant County

**Type of Operation:**

Wastewater treatment facility with associated manholes

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** January 22, 2016

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$24,525

**Amount Deferred for Expedited Settlement:** \$0

**Amount Deferred for Financial Inability to Pay:** \$0

**Total Paid to General Revenue:** \$0

**Total Due to General Revenue:** \$0

Payment Plan: N/A

**Supplemental Environmental Project ("SEP") Conditional Offset:** \$24,525

Name of SEP: Texas Association of Resource Conservation and Development

Areas, Inc. (Third-Party Pre-Approved)

**Compliance History Classifications:**

Person/CN - Satisfactory

Site/RN - Satisfactory

**Major Source:** No

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** April 2014

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**City of Fort Worth**  
**RN100942259**  
**Docket No. 2015-1231-MWD-E**

***Investigation Information***

**Complaint Date(s):** N/A

**Complaint Information:** N/A

**Date(s) of Investigation:** May 12, 2015 and September 4, 2015

**Date(s) of NOE(s):** August 3, 2015 and October 26, 2015

***Violation Information***

1. Failed to prevent an unauthorized discharge of wastewater from the collection system into or adjacent to water in the state [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010494013, Permit Conditions No. 2.g.].

2. Failed to prevent an unauthorized discharge of wastewater from the collection system into or adjacent to water in the state [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0010494013, Permit Conditions No. 2.g.].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

The Respondent has implemented the following corrective measures:

a. On May 13, 2015:

- i. Ceased the unauthorized discharge of wastewater;
- ii. Removed and properly disposed of the dead fish; and
- iii. Drained and refilled the affected pond with dechlorinated water.

b. By June 8, 2015, installed bypass pumping and replaced 145 linear feet of 30 inch pipe.

c. By September 5, 2015:

- i. Ceased and contained the discharge, pumped the wastewater from Sycamore Creek back into the collection system and disinfected the area;
- ii. Removed and properly disposed of the dead fish;
- iii. Excavated and removed rags from the sewer line; and

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iv. Installed bypass pumping.

d. By September 15, 2015, received a lab report showing results of samples taken at the site of the discharge were within normal background levels.

**Technical Requirements:**

The Order will require the Respondent to implement and complete a SEP (see SEP Attachment A).

***Litigation Information***

**Date Petition(s) Filed:** N/A

**Date Answer(s) Filed:** N/A

**SOAH Referral Date:** N/A

**Hearing Date(s):** N/A

**Settlement Date:** N/A

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Farhaud Abbaszadeh, Enforcement Division, Enforcement Team 1, MC 169, (512) 239-0779; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

**TCEQ SEP Coordinator:** Stuart Beckley, SEP Coordinator, Enforcement Division, MC 219, (512) 239-3565

**Respondent:** Jesus J. Chapa, Assistant City Manager, City of Fort Worth, 1000 Throckmorton Street, Fort Worth, Texas 76102-6312

The Honorable Betsy Price, Mayor, City of Fort Worth, 1000 Throckmorton Street, Fort Worth, Texas 76102-6312

**Respondent's Attorney:** N/A



Attachment A  
Docket Number: 2015-1231-MWD-E  
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	City of Fort Worth
Penalty Amount:	Twenty-Four Thousand Five Hundred Twenty-Five Dollars (\$24,525)
SEP Offset Amount:	Twenty-Four Thousand Five Hundred Twenty-Five Dollars (\$24,525)
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Texas Association of Resource Conservation and Development Areas, Inc.
Project Name:	<i>Household Hazardous Waste Collection</i>
Location of SEP:	Tarrant County: Trinity River Basin, Trinity Aquifer

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

**1. Project Description**

a. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D")** for the *Household Hazardous Waste ("HHW") Collection* project. The contribution will be used in accordance with the SEP Agreement between the Third-Party Administrator and the TCEQ (the "Project"). Specifically, the SEP Offset Amount will be used to coordinate with city and county government officials and private entities (collectively known as "Partner Entities") to conduct events for residents to bring in HHW such as paint, thinners, pesticides, oil and gas, corrosive cleaners, and fertilizers for proper disposal (the "Project"). Where possible, the Project may also offer electronics collection, disposal, and recycling. The Third-Party Administrator shall work with Partner Entities to determine exactly which materials will be accepted and how they will be disposed of or recycled.

The Third-Party Administrator shall ensure that individuals qualified to make determinations regarding receiving, handling, and temporarily storing HHW are present at each event. Third-Party Administrator shall use only licensed haulers and authorized disposal sites.

The Third-Party Administrator shall ensure that, at least 45 days before each Collection Event, Form TCEQ-20459 Notification for a Household Hazardous Waste Collection Event, as may be amended, is submitted to TCEQ in accordance with Chapter 335, Texas Administrative Code. The SEP will be performed in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used for the direct cost of the Project, including but not limited to supplies, materials, and equipment. Any portion of this contribution that is not able to be spent on the specifically identified SEP may, at the discretion of the Executive Director ("ED"), be applied to another pre-approved SEP.

The Respondent's signature affixed to this Agreed Order certifies that it has no prior commitment to make this contribution and that it is being made solely in an effort to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

This SEP will provide a means of properly disposing of HHW which might otherwise be disposed of in regular landfills, storm drains, sewer systems, or other means detrimental to the environment. This SEP will provide assistance to help rid communities of the dangers and health threats associated with HHW, and will provide for proper and protective disposal or recycling of collected materials.

c. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator and comply with all other provisions of this SEP.

**2. Performance Schedule**

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. The Respondent shall make the check payable to **Texas Association of RC&D SEP** and shall mail the contribution with a copy of the Agreed Order to:

Texas Association of RC&D Areas, Inc.  
Attn.: Jerry Pearce, Executive Director  
P.O. Box 2533  
Victoria, Texas 77902

### 3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the Enforcement SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Administrator. The Respondent shall mail a copy of the check and transmittal letter to:

Texas Commission on Environmental Quality  
Enforcement Division  
Attention: SEP Coordinator, MC 219  
P.O. Box 13087  
Austin, Texas 78711-3087

### 4. Failure to Fully Perform

If the Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount, as described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that the Respondent failed to fully implement and complete the Project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the Project, the Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP; shall make the check payable to "Texas Commission on Environmental Quality"; and shall mail it to:

Texas Commission on Environmental Quality  
Litigation Division  
Attention: SEP Coordinator, MC 175  
P.O. Box 13087  
Austin, Texas 78711-3087

### 5. Publicity

Any public statements concerning this SEP and/or project, made by or on behalf of the Respondent must include a clear statement that **the project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

**6. Recognition**

The Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

**7. Other SEPs by TCEQ or Other Agencies**

The SEP Offset Amount identified in this Attachment A and in the attached Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.





# Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

**TCEQ**

**DATES**

**Assigned PCW**

3-Aug-2015  
3-Dec-2015

**Screening** 12-Aug-2015

**EPA Due**

## RESPONDENT/FACILITY INFORMATION

**Respondent** City of Fort Worth  
**Reg. Ent. Ref. No.** RN100942259  
**Facility/Site Region** 4-Dallas/Fort Worth **Major/Minor Source** Minor

## CASE INFORMATION

**Enf./Case ID No.** 51106  
**Docket No.** 2015-1231-MWD-E  
**Media Program(s)** Water Quality  
**Multi-Media**

**No. of Violations** 1  
**Order Type** Findings  
**Government/Non-Profit** Yes  
**Enf. Coordinator** Farhaud Abbaszadeh  
**EC's Team** Enforcement Team 1

**Admin. Penalty \$ Limit Minimum** \$0 **Maximum** \$25,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)**

**Subtotal 1** \$7,500

## ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

**Compliance History** 100.0% Enhancement **Subtotals 2, 3, & 7** \$7,500

**Notes** Enhancement for one month of self-reported effluent violations, one order with denial of liability, two orders without denial of liability, and Repeat Violator status.

**Culpability** No 0.0% Enhancement **Subtotal 4** \$0

**Notes** The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply Total Adjustments** **Subtotal 5** -\$1,875

**Economic Benefit** 0.0% Enhancement\* **Subtotal 6** \$0

Total EB Amounts \$3,908  
Estimated Cost of Compliance \$727,683

\*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7**

**Final Subtotal** \$13,125

**OTHER FACTORS AS JUSTICE MAY REQUIRE**

0.0%

**Adjustment** \$0

Reduces or enhances the Final Subtotal by the indicated percentage.

**Notes**

**Final Penalty Amount** \$13,125

**STATUTORY LIMIT ADJUSTMENT**

**Final Assessed Penalty** \$13,125

**DEFERRAL**

0.0%

Reduction

**Adjustment** \$0

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

**Notes**

No deferral is recommended for Findings Orders.

**PAYABLE PENALTY**

\$13,125

Screening Date 12-Aug-2015

Docket No. 2015-1231-MWD-E

PCW

Respondent City of Fort Worth

Policy Revision 4 (April 2014)

Case ID No. 51106

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100942259

Media [Statute] Water Quality

Enf. Coordinator Farhaud Abbaszadeh

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	1	5%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	2	50%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgments or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 75%

## &gt;&gt; Repeat Violator (Subtotal 3)

Yes

Adjustment Percentage (Subtotal 3) 25%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance History Notes

Enhancement for one month of self-reported effluent violations, one order with denial of liability, two orders without denial of liability, and Repeat Violator status.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, &amp; 7) 100%

## &gt;&gt; Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100% 100%

Screening Date 12-Aug-2015  
Respondent City of Fort Worth  
Case ID No. 51106

Docket No. 2015-1231-MWD-E

PCW

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100942259

Media [Statute] Water Quality

Enf. Coordinator Farhaud Abbaszadeh

Violation Number 1

Rule Cite(s) Tex. Water Code § 26.121(a)(1), 30 Tex. Admin Code § 305.125(1), and Texas Pollutant Discharge Elimination System Permit No. WQ0010494013, Permit Conditions No. 2.g

Violation Description

Failed to prevent an unauthorized discharge of wastewater from the collection system into or adjacent to water in the state, as documented during an investigation conducted on May 12, 2015. Specifically, approximately 726,375 gallons of untreated wastewater discharged from a manhole on Forest River Drive to a pond located in the Riverbend Estates neighborhood between May 11, 2015 and May 13, 2015, resulting in a fish kill of approximately 138 fish.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual	x		
Potential			

Percent 30.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to pollutants which exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 1

28 Number of violation days

mark only one with an x

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$7,500

One monthly event is recommended from the date of the discharge (May 11, 2015), to the date corrective actions were completed (June 8, 2015).

Good Faith Efforts to Comply

25.0%

Reduction \$1,875

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		(mark with x)

Notes The Respondent achieved compliance on June 8, 2015.

Violation Subtotal \$5,625

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$3,908

Violation Final Penalty Total \$13,125

This violation Final Assessed Penalty (adjusted for limits) \$13,125

# Economic Benefit Worksheet

**Respondent** City of Fort Worth  
**Case ID No.** 51106  
**Reg. Ent. Reference No.** RN100942259  
**Media** Water Quality  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$727,683	11-May-2015	8-Jun-2015	0.08	\$186	\$3,721	\$3,908
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Actual cost paid by the Respondent to replace 145 linear feet of 30 inch pipe to restore sewer service; cease the unauthorized discharge; install bypass pumping; remove and properly dispose of the dead fish; and drain and refill the affected pond with dechlorinated water. Date required is the initial date of the discharge and the final date is the date all of the required corrective actions were completed.

## Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$727,683

TOTAL

\$3,908

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



# Compliance History Report

**PUBLISHED** Compliance History Report for CN600128862, RN100942259, Rating Year 2014 which includes Compliance History (CH) components from September 1, 2009, through August 31, 2014.

**Customer, Respondent, or Owner/Operator:** CN600128862, City of Fort Worth

**Classification:** SATISFACTORY

**Rating:** 5.34

**Regulated Entity:** RN100942259, CITY OF FORT WORTH  
VILLAGE CREEK WWTP

**Classification:** SATISFACTORY

**Rating:** 28.02

**Complexity Points:** 22

**Repeat Violator:** YES

**CH Group:** 08 - Sewage Treatment Facilities

**Location:** 4500 WILMA LANE IN FORT WORTH, TARRANT COUNTY, TEXAS

**TCEQ Region:** REGION 04 - DFW METROPLEX

**ID Number(s):**

**AIR OPERATING PERMITS** ACCOUNT NUMBER TA0512K  
**AIR NEW SOURCE PERMITS** PERMIT 7553  
**AIR NEW SOURCE PERMITS** REGISTRATION 46812  
**AIR NEW SOURCE PERMITS** AFS NUM 4843900321  
**AIR NEW SOURCE PERMITS** REGISTRATION 96882

**AIR OPERATING PERMITS** PERMIT 1704  
**AIR NEW SOURCE PERMITS** REGISTRATION 46811  
**AIR NEW SOURCE PERMITS** ACCOUNT NUMBER TA0512K  
**AIR NEW SOURCE PERMITS** REGISTRATION 71648  
**PETROLEUM STORAGE TANK REGISTRATION**  
REGISTRATION 7527  
**WASTEWATER** EPA ID TX0047295  
**WASTEWATER** AUTHORIZATION R10494013A  
**WASTEWATER** AUTHORIZATION R10494013  
**PRETREATMENT** EPA ID TX0047295000  
**AIR EMISSIONS INVENTORY** ACCOUNT NUMBER TA0512K  
**SLUDGE** AUTHORIZATION 720001

**WASTEWATER** PERMIT WQ0010494013  
**WASTEWATER** AUTHORIZATION R10494013C  
**WASTEWATER** AUTHORIZATION R10494013B  
**PRETREATMENT** PERMIT WQ0010494013  
**STORMWATER** PERMIT TXR050332  
**SLUDGE** AUTHORIZATION 720003

**Compliance History Period:** September 01, 2009 to August 31, 2014  
09/01/2014

**Rating Year:** 2014

**Rating Date:**

**Date Compliance History Report Prepared:** August 28, 2015

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** August 25, 2010 to August 25, 2015

**TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.**

**Name:** Farhaud Abbaszadeh

**Phone:** (512) 239-0779

## Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO
- 3) If **YES** for #2, who is the current owner/operator? N/A
- 4) If **YES** for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If **YES**, when did the change(s) in owner or operator occur? N/A

## Components (Multimedia) for the Site Are Listed in Sections A - J

### **A. Final Orders, court judgments, and consent decrees:**

- 1 Effective Date: 03/19/2011 ADMINORDER 2010-1334-AIR-E (1660 Order-Agreed Order With Denial)  
Classification: Moderate  
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: Special Condition 1(A) OP

Description: Failure to maintain a daily visible emissions log for the three flares

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 8 OP

Description: Failure to maintain records demonstrating compliance with the periodic monitoring requirements for the cold solvent cleaners

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms and Conditions OP

Description: Failure to report, in writing, to the TCEQ, all instances of deviations, the probable cause of the deviations, and any corrective actions or preventative measures taken for each emission unit addressed in the Title V Permit

- 2 Effective Date: 02/18/2012 ADMINORDER 2011-1595-MWD-E (Findings Order-Agreed Order Without Denial)  
Classification: Major  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121  
Rqmt Prov: WQ0010494-013 PERMIT  
Description: Respondent failed to prevent the unauthorized discharges of wastewater from a collection system into water in the state
- 3 Effective Date: 10/27/2012 ADMINORDER 2012-0151-MWD-E (Findings Order-Agreed Order Without Denial)  
Classification: Major  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
Rqmt Prov: WQ0010494013 PERMIT  
Description: Failure to prevent a discharge of untreated wastewater from the collection system.  
Classification: Major  
Citation: 2D TWC Chapter 26, SubChapter A 26.039(b)  
30 TAC Chapter 305, SubChapter F 305.125(9)  
Rqmt Prov: WQ0010494013 PERMIT  
Description: Failure to report an unauthorized discharge within 24 hours of becoming aware of the noncompliance.

**B. Criminal convictions:**

N/A

**C. Chronic excessive emissions events:**

N/A

**D. The approval dates of investigations (CCEDS Inv. Track. No.):**

Item 1	August 31, 2010	(867442)
Item 2	September 10, 2010	(874464)
Item 3	September 16, 2010	(864204)
Item 4	October 11, 2010	(882045)
Item 5	November 11, 2010	(888512)
Item 6	November 15, 2010	(864736)
Item 7	December 13, 2010	(896853)
Item 8	January 10, 2011	(878304)
Item 9	February 15, 2011	(909652)
Item 10	March 14, 2011	(891512)
Item 11	March 16, 2011	(916873)
Item 12	April 14, 2011	(926603)
Item 13	April 18, 2011	(912924)
Item 14	May 16, 2011	(938587)
Item 15	June 16, 2011	(945959)
Item 16	July 14, 2011	(953214)
Item 17	August 31, 2011	(959855)
Item 18	September 14, 2011	(965896)
Item 19	October 13, 2011	(971938)

Item 20	November 17, 2011	(978104)
Item 21	December 15, 2011	(984874)
Item 22	January 12, 2012	(991163)
Item 23	February 16, 2012	(998528)
Item 24	March 20, 2012	(1004060)
Item 25	April 13, 2012	(997385)
Item 26	April 17, 2012	(1010626)
Item 27	May 11, 2012	(1017001)
Item 28	May 15, 2012	(996677)
Item 29	June 18, 2012	(1024761)
Item 30	July 16, 2012	(1032121)
Item 31	September 18, 2012	(1047407)
Item 32	September 28, 2012	(1038548)
Item 33	October 17, 2012	(1063636)
Item 34	November 14, 2012	(1063637)
Item 35	December 05, 2012	(1045873)
Item 36	December 14, 2012	(1063638)
Item 37	January 15, 2013	(1080192)
Item 38	February 13, 2013	(1080191)
Item 39	March 12, 2013	(1089887)
Item 40	March 28, 2013	(1073136)
Item 41	April 11, 2013	(1074269)
Item 42	April 19, 2013	(1096280)
Item 43	May 17, 2013	(1107226)
Item 44	June 19, 2013	(1110873)
Item 45	July 09, 2013	(1100948)
Item 46	July 11, 2013	(1117761)
Item 47	August 13, 2013	(1125550)
Item 48	September 12, 2013	(1104745)
Item 49	October 10, 2013	(1116508)
Item 50	November 18, 2013	(1141261)
Item 51	December 17, 2013	(1147726)
Item 52	January 03, 2014	(1139338)
Item 53	January 15, 2014	(1153777)
Item 54	February 11, 2014	(1161110)
Item 55	March 12, 2014	(1167766)
Item 56	April 02, 2014	(1146084)
Item 57	April 16, 2014	(1174892)
Item 58	May 01, 2014	(1164408)
Item 59	May 15, 2014	(1181091)
Item 60	June 12, 2014	(1187995)
Item 61	July 17, 2014	(1199499)
Item 62	September 16, 2014	(1206383)
Item 63	September 30, 2014	(1199500)
Item 64	October 14, 2014	(1212791)
Item 65	November 14, 2014	(1219046)
Item 66	December 17, 2014	(1224828)
Item 67	January 15, 2015	(1231548)
Item 68	February 12, 2015	(1242850)
Item 69	March 11, 2015	(1249205)
Item 70	April 13, 2015	(1256088)
Item 71	May 05, 2015	(1193316)
Item 72	May 13, 2015	(1262807)
Item 73	May 21, 2015	(1252578)
Item 74	July 13, 2015	(1262026)

**E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):**

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

1	Date:	05/31/2015 (1269973)	CN600128862
	Self Report?	YES	Classification: Moderate
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a)	
		30 TAC Chapter 305, SubChapter F 305.125(1)	
	Description:	Failure to meet the limit for one or more permit parameter	

**F. Environmental audits:**

N/A

**G. Type of environmental management systems (EMSs):**

N/A

**H. Voluntary on-site compliance assessment dates:**

N/A

**I. Participation in a voluntary pollution reduction program:**

N/A

**J. Early compliance:**

N/A

**Sites Outside of Texas:**

N/A





# Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

**TCEQ**

**DATES**

**Assigned PCW**

26-Oct-2015  
29-Oct-2015

**Screening**

28-Oct-2015

**EPA Due**

3-Dec-2015

## RESPONDENT/FACILITY INFORMATION

**Respondent** City of Fort Worth

**Reg. Ent. Ref. No.** RN100942259

**Facility/Site Region** 4-Dallas/Fort Worth

**Major/Minor Source** Minor

## CASE INFORMATION

**Enf./Case ID No.** 51106

**Docket No.** 2015-1231-MWD-E

**Media Program(s)** Water Quality

**Multi-Media**

**No. of Violations** 1

**Order Type** Findings

**Government/Non-Profit** Yes

**Enf. Coordinator** Farhaud Abbaszadeh

**EC's Team** Enforcement Team 3

**Admin. Penalty \$ Limit Minimum**

\$0

**Maximum**

\$25,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)**

**Subtotal 1** \$7,500

## ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

**Compliance History**

77.0%

**Adjustment**

**Subtotals 2, 3, & 7**

\$5,775

**Notes**

Enhancement for one month of self-reported effluent violations, one NOV with dissimilar violations, one order containing denial of liability, and two orders without denial of liability.

**Culpability**

No

0.0%

**Enhancement**

**Subtotal 4**

\$0

**Notes**

The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply Total Adjustments**

**Subtotal 5**

-\$1,875

**Economic Benefit**

**Total EB Amounts**

\$76

**Estimated Cost of Compliance**

\$39,500

0.0% Enhancement\*

\*Capped at the Total EB \$ Amount

**Subtotal 6**

\$0

**SUM OF SUBTOTALS 1-7**

**Final Subtotal**

\$11,400

**OTHER FACTORS AS JUSTICE MAY REQUIRE**

0.0%

**Adjustment**

\$0

Reduces or enhances the Final Subtotal by the indicated percentage.

**Notes**

**Final Penalty Amount**

\$11,400

**STATUTORY LIMIT ADJUSTMENT**

**Final Assessed Penalty**

\$11,400

**DEFERRAL**

0.0%

**Reduction**

**Adjustment**

\$0

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

**Notes**

No deferral is recommended for Findings Orders.

**PAYABLE PENALTY**

\$11,400

Screening Date 28-Oct-2015

Docket No. 2015-1231-MWD-E

PCW

Respondent City of Fort Worth

Policy Revision 4 (April 2014)

Case ID No. 51106

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100942259

Media [Statute] Water Quality

Enf. Coordinator Farhaud Abbaszadeh

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	1	5%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	2	50%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgments or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 77%

## &gt;&gt; Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance  
History  
Notes

Enhancement for one month of self-reported effluent violations, one NOV with dissimilar violations, one order containing denial of liability, and two orders without denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, &amp; 7) 77%

## &gt;&gt; Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100% 77%

**Screening Date** 28-Oct-2015  
**Respondent** City of Fort Worth  
**Case ID No.** 51106  
**Reg. Ent. Reference No.** RN100942259  
**Media [Statute]** Water Quality  
**Enf. Coordinator** Farhaud Abbaszadeh  
**Violation Number** 1

**Docket No.** 2015-1231-MWD-E

**PCW**

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

**Rule Cite(s)**

Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System Permit No. WQ0010494013, Permit Conditions No. 2.g

**Violation Description**

Failed to prevent an unauthorized discharge of wastewater from the collection system into or adjacent to water in the state, as documented during an investigation conducted on September 4, 2015. Specifically, a blockage of rags in the sewer main located at 1500 East Devitt Street caused an unauthorized discharge of approximately 2,760 gallons of wastewater into a storm drain that leads to Sycamore Creek on September 1, 2015, resulting in a fish kill of approximately 370 fish.

**Base Penalty** \$25,000

**>> Environmental, Property and Human Health Matrix**

**OR**

Release	Harm		
	Major	Moderate	Minor
Actual	x		
Potential			

**Percent** 30.0%

**>> Programmatic Matrix**

Falsification	Major	Moderate	Minor

**Percent** 0.0%

**Matrix Notes**

Human health or the environment has been exposed to pollutants which exceed levels that are protective of human health or environmental receptors as a result of the violation.

**Adjustment** \$17,500

\$7,500

**Violation Events**

**Number of Violation Events** 1

14 **Number of violation days**

mark only one with an x	daily	
	weekly	
	monthly	x
	quarterly	
	semiannual	
	annual	
	single event	

**Violation Base Penalty** \$7,500

One monthly event is recommended; calculated from the date of the discharge (September 1, 2015), to the date remediation activities were completed (September 15, 2015).

**Good Faith Efforts to Comply**

25.0%

**Reduction** \$1,875

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		(mark with x)

**Notes**

The Respondent achieved compliance by September 15, 2015.

**Violation Subtotal** \$5,625

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount** \$76

**Violation Final Penalty Total** \$11,400

**This violation Final Assessed Penalty (adjusted for limits)** \$11,400

# Economic Benefit Worksheet

Respondent City of Fort Worth

Case ID No. 51106

Reg. Ent. Reference No. RN100942259

Media Water Quality

Violation No. 1

Percent Interest 5.0  
Years of Depreciation 15

Item Cost Date Required Final Date Yrs Interest Saved Onetime Costs EB Amount  
Item Description No commas or \$

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal	\$39,500	1-Sep-2015	15-Sep-2015	0.04	\$76	n/a	\$76
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Actual cost to remove and properly dispose of the dead fish; excavate and remove rags from the sewer line; cease and contain the discharge; pump the wastewater from Sycamore Creek back into the collection system and disinfect the area; and install bypass pumping. Date required is the initial date of the unauthorized discharge. Final date is the date all of the required corrective actions were completed.

## Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$39,500

TOTAL

\$76

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



# Compliance History Report

**PUBLISHED** Compliance History Report for CN600128862, RN100942259, Rating Year 2015 which includes Compliance History (CH) components from September 1, 2010, through August 31, 2015.

**Customer, Respondent, or Owner/Operator:** CN600128862, City of Fort Worth

**Classification:** SATISFACTORY

**Rating:** 2.15

**Regulated Entity:** RN100942259, CITY OF FORT WORTH VILLAGE CREEK WWTP

**Classification:** SATISFACTORY

**Rating:** 7.70

**Complexity Points:** 22

**Repeat Violator:** NO

**CH Group:** 08 - Sewage Treatment Facilities

**Location:** 4500 WILMA LN FORT WORTH, TARRANT COUNTY, TX

**TCEQ Region:** REGION 04 - DFW METROPLEX

**ID Number(s):**

**AIR OPERATING PERMITS** ACCOUNT NUMBER TA0512K

**AIR NEW SOURCE PERMITS** PERMIT 7553

**AIR NEW SOURCE PERMITS** REGISTRATION 46812

**AIR NEW SOURCE PERMITS** AFS NUM 4843900321

**AIR NEW SOURCE PERMITS** REGISTRATION 96882

**AIR OPERATING PERMITS** PERMIT 1704

**AIR NEW SOURCE PERMITS** REGISTRATION 46811

**AIR NEW SOURCE PERMITS** ACCOUNT NUMBER TA0512K

**AIR NEW SOURCE PERMITS** REGISTRATION 71648

**PETROLEUM STORAGE TANK REGISTRATION**  
REGISTRATION 7527

**WASTEWATER** EPA ID TX0047295

**WASTEWATER** AUTHORIZATION R10494013A

**WASTEWATER** AUTHORIZATION R10494013

**PRETREATMENT** EPA ID TX0047295000

**AIR EMISSIONS INVENTORY** ACCOUNT NUMBER TA0512K

**SLUDGE** AUTHORIZATION 720001

**WASTEWATER** PERMIT WQ0010494013

**WASTEWATER** AUTHORIZATION R10494013C

**WASTEWATER** AUTHORIZATION R10494013B

**PRETREATMENT** PERMIT WQ0010494013

**STORMWATER** PERMIT TXR050332

**SLUDGE** AUTHORIZATION 720003

**Compliance History Period:** September 01, 2010 to August 31, 2015      **Rating Year:** 2015      **Rating Date:** 09/01/2015

**Date Compliance History Report Prepared:** November 18, 2015

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** November 18, 2010 to November 18, 2015

**TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.**

**Name:** Farhaud Abbaszadeh

**Phone:** (512) 239-0779

**Site and Owner/Operator History:**

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO
- 3) If **YES** for #2, who is the current owner/operator? N/A
- 4) If **YES** for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If **YES**, when did the change(s) in owner or operator occur? N/A

**Components (Multimedia) for the Site Are Listed in Sections A - J**

**A. Final Orders, court judgments, and consent decrees:**

- 1      Effective Date: 03/19/2011      ADMINORDER 2010-1334-AIR-E (1660 Order-Agreed Order With Denial)  
Classification: Moderate  
Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: Special Condition 1(A) OP  
Description: Failure to maintain a daily visible emissions log for the three flares

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 8 OP

Description: Failure to maintain records demonstrating compliance with the periodic monitoring requirements for the cold solvent cleaners

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms and Conditions OP

Description: Failure to report, in writing, to the TCEQ, all instances of deviations, the probable cause of the deviations, and any corrective actions or preventative measures taken for each emission unit addressed in the Title V Permit

- 2 Effective Date: 02/18/2012 ADMINORDER 2011-1595-MWD-E (Findings Order-Agreed Order Without Denial)  
Classification: Major  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121  
Rqmt Prov: WQ0010494-013 PERMIT  
Description: Respondent failed to prevent the unauthorized discharges of wastewater from a collection system into water in the state
- 3 Effective Date: 10/27/2012 ADMINORDER 2012-0151-MWD-E (Findings Order-Agreed Order Without Denial)  
Classification: Major  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
Rqmt Prov: WQ0010494013 PERMIT  
Description: Failure to prevent a discharge of untreated wastewater from the collection system.  
Classification: Major  
Citation: 2D TWC Chapter 26, SubChapter A 26.039(b)  
30 TAC Chapter 305, SubChapter F 305.125(9)  
Rqmt Prov: WQ0010494013 PERMIT  
Description: Failure to report an unauthorized discharge within 24 hours of becoming aware of the noncompliance.

**B. Criminal convictions:**

N/A

**C. Chronic excessive emissions events:**

N/A

**D. The approval dates of investigations (CCEDS Inv. Track. No.):**

Item 1	December 13, 2010	(896853)
Item 2	January 10, 2011	(878304)
Item 3	February 15, 2011	(909652)
Item 4	March 14, 2011	(891512)
Item 5	March 16, 2011	(916873)
Item 6	April 14, 2011	(926603)
Item 7	April 18, 2011	(912924)
Item 8	May 16, 2011	(938587)
Item 9	June 16, 2011	(945959)
Item 10	July 14, 2011	(953214)
Item 11	August 31, 2011	(959855)
Item 12	September 14, 2011	(965896)
Item 13	October 13, 2011	(971938)
Item 14	November 17, 2011	(978104)
Item 15	December 15, 2011	(984874)
Item 16	January 12, 2012	(991163)
Item 17	February 16, 2012	(998528)
Item 18	March 20, 2012	(1004060)
Item 19	April 13, 2012	(997385)
Item 20	April 17, 2012	(1010626)

Item 21	May 11, 2012	(1017001)
Item 22	May 15, 2012	(996677)
Item 23	June 18, 2012	(1024761)
Item 24	July 16, 2012	(1032121)
Item 25	September 18, 2012	(1047407)
Item 26	September 28, 2012	(1038548)
Item 27	October 17, 2012	(1063636)
Item 28	November 14, 2012	(1063637)
Item 29	December 05, 2012	(1045873)
Item 30	December 14, 2012	(1063638)
Item 31	January 15, 2013	(1080192)
Item 32	February 13, 2013	(1080191)
Item 33	March 12, 2013	(1089887)
Item 34	March 28, 2013	(1073136)
Item 35	April 11, 2013	(1074269)
Item 36	April 19, 2013	(1096280)
Item 37	May 17, 2013	(1107226)
Item 38	June 19, 2013	(1110873)
Item 39	July 09, 2013	(1100948)
Item 40	July 11, 2013	(1117761)
Item 41	August 13, 2013	(1125550)
Item 42	September 12, 2013	(1104745)
Item 43	October 10, 2013	(1116508)
Item 44	November 18, 2013	(1141261)
Item 45	December 17, 2013	(1147726)
Item 46	January 03, 2014	(1139338)
Item 47	January 15, 2014	(1153777)
Item 48	February 11, 2014	(1161110)
Item 49	March 12, 2014	(1167766)
Item 50	April 02, 2014	(1146084)
Item 51	April 16, 2014	(1174892)
Item 52	May 01, 2014	(1164408)
Item 53	May 15, 2014	(1181091)
Item 54	June 12, 2014	(1187995)
Item 55	July 17, 2014	(1199499)
Item 56	September 16, 2014	(1206383)
Item 57	September 30, 2014	(1199500)
Item 58	October 14, 2014	(1212791)
Item 59	November 14, 2014	(1219046)
Item 60	December 17, 2014	(1224828)
Item 61	January 15, 2015	(1231548)
Item 62	February 12, 2015	(1242850)
Item 63	March 11, 2015	(1249205)
Item 64	April 13, 2015	(1256088)
Item 65	May 05, 2015	(1193316)
Item 66	May 13, 2015	(1262807)
Item 67	May 21, 2015	(1252578)
Item 68	July 13, 2015	(1262026)
Item 69	July 17, 2015	(1277504)
Item 70	August 14, 2015	(1283683)
Item 71	September 17, 2015	(1290832)

**E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):**

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

- |   |  |             |                  |                          |
|---|--|-------------|------------------|--------------------------|
| 1 | Date: 05/31/2015 (1269973)   | CN600128862 | Self Report? YES | Classification: Moderate |
|   | Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)<br>30 TAC Chapter 305, SubChapter F 305.125(1)   |             |                  |                          |
|   | Description: Failure to meet the limit for one or more permit parameter  |             |                  |                          |
|   |  |             |                  |                          |
| 2 | Date: 08/28/2015 (1255245)   | CN600128862 | Self Report? NO  | Classification: Minor    |
|   | Citation: 30 TAC Chapter 317 317.4(a)(8)   |             |                  |                          |
|   | Description: Failure to test the reduced-pressure backflow prevention assembly (RPBA) annually. Specifically, the RPBA's were last tested on February 24 and 27, 2014, and March 3 and 4, 2014. All RPBA's shall be tested annually. |             |                  |                          |

**F. Environmental audits:**

N/A

**G. Type of environmental management systems (EMSs):**

N/A

**H. Voluntary on-site compliance assessment dates:**

N/A

**I. Participation in a voluntary pollution reduction program:**

N/A

**J. Early compliance:**

N/A

**Sites Outside of Texas:**

N/A



# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
CITY OF FORT WORTH  
RN100942259**

**§ BEFORE THE  
§  
§ TEXAS COMMISSION ON  
§  
§ ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2015-1231-MWD-E**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding the City of Fort Worth ("Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

### **I. FINDINGS OF FACT**

1. The Respondent owns and operates a wastewater treatment facility located at 4500 Wilma Lane with associated manholes located at 5848 Forest River Drive and 1500 East Devitt Street in Fort Worth, Tarrant County, Texas (the "Sites").

2. The Respondent has discharged sewage into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. During an investigation conducted on May 12, 2015, TCEQ staff documented that approximately 726,375 gallons of untreated wastewater discharged from a manhole on Forest River Drive to a pond located in the Riverbend Estates neighborhood between May 11, 2015 and May 13, 2015, resulting in a fish kill of approximately 138 fish.
4. During an investigation conducted on September 4, 2015, TCEQ staff documented that a blockage of rags in the sewer main located at 1500 East Devitt Street caused an unauthorized discharge of approximately 2,760 gallons of wastewater into a storm drain that leads to Sycamore Creek on September 1, 2015, resulting in a fish kill of approximately 370 fish.
5. The Respondent received notices of the violations on August 4, 2015 and October 28, 2015.
6. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Sites:
  - a. On May 13, 2015:
    - i. Ceased the unauthorized discharge of wastewater;
    - ii. Removed and properly disposed of the dead fish; and
    - iii. Drained and refilled the affected pond with dechlorinated water.
  - b. By June 8, 2015, installed bypass pumping and replaced 145 linear feet of 30 inch pipe.
  - c. By September 5, 2015:
    - i. Ceased and contained the discharge, pumped the wastewater from Sycamore Creek back into the collection system and disinfected the area;
    - ii. Removed and properly disposed of the dead fish;
    - iii. Excavated and removed rags from the sewer line; and
    - iv. Installed bypass pumping.
  - d. By September 15, 2015, received a lab report showing results of samples taken at the site of the discharge were within normal background levels.

## II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs. 7 and 26 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3, the Respondent failed to prevent an unauthorized discharge of wastewater from the collection system into or adjacent to water in the state, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010494013, Permit Conditions No. 2.g.
3. As evidenced by Findings of Fact No. 4, the Respondent failed to prevent an unauthorized discharge of wastewater from the collection system into or adjacent to water in the state, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0010494013, Permit Conditions No. 2.g.
4. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
5. An administrative penalty in the amount of Twenty-Four Thousand Five Hundred Twenty-Five Dollars (\$24,525) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. Twenty-Four Thousand Five Hundred Twenty-Five Dollars (\$24,525) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

## III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed an administrative penalty in the amount of Twenty-Four Thousand Five Hundred Twenty-Five Dollars (\$24,525) as set forth in Section II, Paragraph 5 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Fort Worth, Docket No. 2015-1231-MWD-E" to:

Financial Administration Division, Revenue Operations Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section II, Paragraph 5 above, Twenty-Four Thousand Five Hundred Twenty-Five Dollars (\$24,525) of the assessed administrative penalty shall be offset with the condition that the SEP defined in Attachment A, incorporated herein by reference, is implemented by the Respondent. The Respondent's obligation to pay the conditionally offset portion of the assessed administrative penalty shall be discharged upon final completion of all provisions of the SEP agreement.
3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Site operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing good cause. All requests for extensions by effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
7. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
8. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

9. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
10. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date

  
For the Executive Director

8/8/16  
Date


I, the undersigned, have read and understand the attached Agreed Order in the matter of the City of Fort Worth. I am authorized to agree to the attached Agreed Order on behalf of the City of Fort Worth, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, the City of Fort Worth waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

  
Signature

12-14-15  
Date

Jesus J. Chapa

Assistant City Manager

Name (Printed or typed)  
Authorized Representative of  
City of Fort Worth

Title

**Instructions:** Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section III, Paragraph 1 of this Agreed Order.

**Attachment A**  
**Docket Number: 2015-1231-MWD-E**  
**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	<b>City of Fort Worth</b>
<b>Penalty Amount:</b>	<b>Twenty-Four Thousand Five Hundred Twenty-Five Dollars (\$24,525)</b>
<b>SEP Offset Amount:</b>	<b>Twenty-Four Thousand Five Hundred Twenty-Five Dollars (\$24,525)</b>
<b>Type of SEP:</b>	<b>Contribution to a Third-Party Pre-Approved SEP</b>
<b>Third-Party Administrator:</b>	<b>Texas Association of Resource Conservation and Development Areas, Inc.</b>
<b>Project Name:</b>	<b><i>Household Hazardous Waste Collection</i></b>
<b>Location of SEP:</b>	<b>Tarrant County: Trinity River Basin, Trinity Aquifer</b>

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

**1. Project Description**

**a. Project**

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D")** for the *Household Hazardous Waste ("HHW") Collection* project. The contribution will be used in accordance with the SEP Agreement between the Third-Party Administrator and the TCEQ (the "Project"). Specifically, the SEP Offset Amount will be used to coordinate with city and county government officials and private entities (collectively known as "Partner Entities") to conduct events for residents to bring in HHW such as paint, thinners, pesticides, oil and gas, corrosive cleaners, and fertilizers for proper disposal (the "Project"). Where possible, the Project may also offer electronics collection, disposal, and recycling. The Third-Party Administrator shall work with Partner Entities to determine exactly which materials will be accepted and how they will be disposed of or recycled.

The Third-Party Administrator shall ensure that individuals qualified to make determinations regarding receiving, handling, and temporarily storing HHW are present at each event. Third-Party Administrator shall use only licensed haulers and authorized disposal sites.

City of Fort Worth  
Agreed Order - Attachment A

The Third-Party Administrator shall ensure that, at least 45 days before each Collection Event, Form TCEQ-20459 Notification for a Household Hazardous Waste Collection Event, as may be amended, is submitted to TCEQ in accordance with Chapter 335, Texas Administrative Code. The SEP will be performed in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used for the direct cost of the Project, including but not limited to supplies, materials, and equipment. Any portion of this contribution that is not able to be spent on the specifically identified SEP may, at the discretion of the Executive Director ("ED"), be applied to another pre-approved SEP.

The Respondent's signature affixed to this Agreed Order certifies that it has no prior commitment to make this contribution and that it is being made solely in an effort to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

This SEP will provide a means of properly disposing of HHW which might otherwise be disposed of in regular landfills, storm drains, sewer systems, or other means detrimental to the environment. This SEP will provide assistance to help rid communities of the dangers and health threats associated with HHW, and will provide for proper and protective disposal or recycling of collected materials.

c. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator and comply with all other provisions of this SEP.

**2. Performance Schedule**

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. The Respondent shall make the check payable to **Texas Association of RC&D SEP** and shall mail the contribution with a copy of the Agreed Order to:

Texas Association of RC&D Areas, Inc.  
Attn.: Jerry Pearce, Executive Director  
P.O. Box 2533  
Victoria, Texas 77902



### **3. Records and Reporting**

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the Enforcement SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Administrator. The Respondent shall mail a copy of the check and transmittal letter to:

Texas Commission on Environmental Quality  
Enforcement Division  
Attention: SEP Coordinator, MC 219  
P.O. Box 13087  
Austin, Texas 78711-3087

### **4. Failure to Fully Perform**

If the Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount, as described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that the Respondent failed to fully implement and complete the Project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the Project, the Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP; shall make the check payable to "Texas Commission on Environmental Quality"; and shall mail it to:

Texas Commission on Environmental Quality  
Litigation Division  
Attention: SEP Coordinator, MC 175  
P.O. Box 13087  
Austin, Texas 78711-3087

### **5. Publicity**

Any public statements concerning this SEP and/or project, made by or on behalf of the Respondent must include a clear statement that **the project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

**6. Recognition**

The Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

**7. Other SEPs by TCEQ or Other Agencies**

The SEP Offset Amount identified in this Attachment A and in the attached Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.